

Appl. No.: 09/445,065
Amdt. dated 03/01/2005
Reply to Office action of December 13, 2004

REMARKS/ARGUMENTS

In the Office Action, all of the pending Claims 1-8 and 10-20 were rejected. In particular, Claims 1, 3-6 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by SU 321,252 to Abolina. The remaining claims were rejected under 35 U.S.C. §103(a) over Abolina in combination with U.S. Patents Nos. 5,599,283 to Lindenmeyer ("Lindenmeyer"); 5,383,844 to Munoz ("Munoz"); 4,550,869 to Johnson ("Johnson"); and 4,214,579 to Ford ("Ford").

In the present Office Action, the bases for the rejections are the same as in the previous Office Action dated September 13, 2003:

Applicant is reminded that claims are examined in their broadest reasonable light, and that examination is based on the claim language. Applicant has argued that "There is no indication in the figures of Abolina that strap 3 attaches at any point to strap 5 on the upper right arm of the wearer." While this may be true, the argument is not relevant, as the feature has not been included in the claims. With respect to the argument "there is no suggestion in Abolina that strap 3 extends across the back of the patient towards the strap 5 on the upper right arm." Once again, the feature has not been included in the claim language. As claimed, the current claim only requires that the holding strap pass behind the back (thus at any portion of the back), and connect to the upper arm part. The upper arm part seemingly extends across the back of the user, therefore, it need only connect to any portion of the 'upper arm part.' As broadly claimed, Abolina meets the structural limitations.

See, paragraph 10 of the Office Action.

Claim 1 has been amended to recite the holding strap as being configured to pass behind the back of the patient to the upper arm part and form a loop around the upper arm part and the upper arm of the patient.

As noted in the response to the Office Action dated September 13, 2003, and as discussed in the most recent Office Action, the strap 3 of Abolina does not attach to strap 5 at the upper right arm and there is no suggestion in Abolina that strap 3 extends across the back of the patient towards the strap 5 on the upper right arm. None of the remaining references alone, or in

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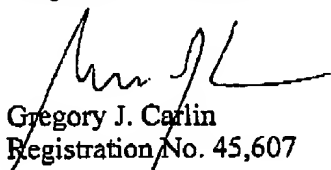
combination, with Abolina appear to teach or suggest the holding strap of Claim 1 that extends behind the back of the patient and loops around the upper arm part and upper arm of the patient.

The rejection of Claim 1 under 35 U.S.C. §102(b) has therefore been overcome and Claim 1 should be allowable. The remaining Claims 2-8 and 10-20 depend from, and further patentably distinguish, allowable Claim 1. Therefore, the rejections of Claims 2-8 and 10-20 under 35 U.S.C. §§102(b) and 103(a) over combinations of Abolina, Lindenmeyer, Munoz, Ford and Johnson have also been overcome.

In view of the remarks and amendments presented above, it is respectfully submitted that Claims 2-8 and 10-20 of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



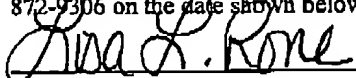
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Lisa L. Rone



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